IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 720 OF 2005

Abhishek Mukesh Bhansali
and Ors. ...Petitioners.

V/s

The State of Maharashtra ...Respondents.

Mr. Girish Kulkarni for the petitioners.
Mr. A.M. Shringarpure, APP for the State.

CORAM: V.M.KANADE,J.

DATE: 7th April 2005

P.C.:

1. Petitioner has filed this Petition under Article 227 of the Constitution of India read with section 482 of the Criminal Procedure Code for quashing the complaint lodged at the instance of the petitioner No.1's wife Mrs. Priyanki Abhishek Bhansali on 3/6/2002 in Gamdevi Police Station.

2. It is submitted by the petitioner that the complainant and the accused No.1 got married on 18/12/1999. Within 10 days of marriage, they shifted to Calcutta. It is alleged that after about two and half years, accused brought the complainant to Mumbai and demanded money and when the demand was not fulfilled, he left the complainant in Mumbai and went back to Calcutta. Thereafter, a complaint was lodged

by the complainant. In the meantime, a petition was filed by the complainant in the Family Court for decree of divorce. During the pendency of the petition, parties settled the dispute amongst themselves and the complainant also agreed not to proceed with the criminal complaint and to seek divorce by mutual consent. Accordingly consent terms were filed in the Family Court at Bandra which are annexed to the Petition on 7/3/2005 in which the complainant agreed to withdraw the criminal complaint filed by her.

3. Complainant is present in Court. She has stated that she has no objection if the Criminal Complaint is quashed. Her father is also present in Court. I have verified from the Passport that the person appearing in Court is Mrs. Priyanki Abhishek Bhansali. The counsel for the petitioner has also identified the complainant.

4. In my view, under the facts and circumstances of the case, since the parties have settled the dispute amicably in the matrimonial court and since the complainant in the consent terms has agreed to withdraw the criminal complaint, in my view, this is a fit case for quashing the criminal complaint filed by

the wife of petitioner No.1. Writ Petition is, therefore, allowed in terms of prayer clause (a). Criminal Complaint annexed at Exhibit-A to the Petition is also quashed and set aside. The articles which are lying in the Police Station be returned to the Petitioner by the Police.

5. Criminal Writ Petition is allowed in the above terms.

V.M. KANADE, J.